



The Human Services Workforce Initiative

CHILD WELFARE

Improving the Child Welfare Workforce: Lessons Learned from Class Action Litigation



Funded by Cornerstones for Kids

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National Center for Youth Law

Improving the Child Welfare Workforce:

Lessons Learned from Class Action Litigation

Executive Summary

February 2007

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**This report is available at www.childrensrights.org,
www.youthlaw.org and www.cornerstones4kids.org.**

Cornerstones for Kids Introduction

The Human Services Workforce Initiative (HSWI) is focused on the frontline workers serving vulnerable children and families. HSWI's premise is that human services matter. Delivered well, they can, and do, positively impact the lives of vulnerable children and families, often at critical points in their lives.

We believe that the quality of the frontline worker influences the effectiveness of services they deliver to children and families. If workers are well-trained and supported, have access to the resources that they need, possess a reasonable workload and are valued by their employers, it follows that they will be able to effectively perform their jobs. If, however, they are as vulnerable as the children and families that they serve, they will be ineffective in improving outcomes for children and families.

Unfortunately, all indications today are that our frontline human services workforce is struggling. In some instances poor compensation contributes to excessive turnover; in others an unreasonable workload and endless paperwork renders otherwise capable staff ineffective; and keeping morale up is difficult in the human services fields and it is remarkable that so many human services professionals stick to it, year after year.

HSWI's mission is to work with others to raise the visibility of, and sense of urgency about, workforce issues. Through a series of publications and other communications efforts we hope to:

- Call greater attention to workforce issues.
- Help to describe and define the status of the human services workforce.
- Disseminate data on current conditions.
- Highlight best and promising practices.
- Suggest systemic and policy actions which can make a deep, long term difference.

In the child welfare field reform has frequently been driven by class action litigation, which has served as a catalyst to enhance resources and address critical workforce issues, including caseloads, staff qualifications, training, supervision, recruitment and retention, policy development, information systems, quality assurance and financing. In this summary paper Children's Rights, in collaboration with the National Center for Youth Law (NCYL), provides a comprehensive review of workforce provisions contained within child welfare class actions litigation cases in 12 jurisdictions across the nation.

The complete report can be accessed at www.childrensrights.org and www.youthlaw.org.

Additional information on the human services workforce and on HSWI is available at www.cornerstones4kids.org.

ACKNOWLEDGEMENTS

This report offers rich perspectives on efforts to improve the child welfare workforce through class action litigation. It provides a useful framework to guide current and future efforts, and build upon the successes that have been achieved. Although the focus of this report is on the child welfare system, the lessons learned and recommendations may also be applicable to efforts to reform other types of social service systems.

Children's Rights thanks our partner on this project, the National Center for Youth Law (NCYL), and specifically recognizes the contributions of Senior Attorneys Bill Grimm and Leecia Welch and Skadden Fellow Bryn Leland Martyna.

Children's Rights and NCYL thank the 74 interviewees in 12 jurisdictions across the country for the time they took to share their insights and perspectives, and for the candor of their observations.

This research was funded by Cornerstones for Kids. The findings and conclusions presented in this report are those of Children's Rights and NCYL and do not necessarily reflect the opinions of Cornerstones for Kids. Children's Rights and NCYL thank Cornerstones for Kids for its support of this work and, specifically, Jennifer Miller, who provided helpful insights and guidance throughout the project.

The primary authors of this report are Julie Farber, Director of Policy, and Sara Munson, Senior Policy Analyst, at Children's Rights. Children's Rights' Associate Director Susan Lambiase and Staff Attorney Sara Bartosz made important contributions. Children's Rights also wishes to acknowledge former Director of Policy Madelyn Freundlich under whose direction this project began.

Marcia Robinson Lowry
Executive Director

Julie Farber
Director of Policy

I. QUICK VIEW

The recruitment, preparation, support and retention of public and private child welfare staff working with abused and neglected children and families are important and ongoing concerns. Class action litigation focusing on reforming public child welfare systems across the country has often included efforts to improve the child welfare workforce.

Children's Rights, in collaboration with the National Center for Youth Law (NCYL) and with support from Cornerstones for Kids, conducted a review of efforts to strengthen the child welfare workforce in the context of class action litigation in 12 jurisdictions across the nation. Children's Rights and NCYL interviewed 74 key stakeholders — plaintiffs' counsel, current and former child welfare agency representatives, current and former court monitors, representatives of foster parent and service provider membership organizations, judges, children's attorneys (guardians *ad litem*, GALs), consultants, advocates, private providers, mediators, university-agency training partnership staff and next friends¹— in these jurisdictions about the provisions related to workforce issues that are included in the court orders in these cases, the progress made and the barriers that have hindered success.

Interviewees indicated that progress has been made to improve the child welfare workforce in these jurisdictions, and that work remains to be done. The vast majority of all interviewees said that there would not have been improvements without the litigation or that improvements would not have been as significant. Improvements noted by interviewees since the litigation included increases in funding for the system and improvements in staff recruitment, caseloads, supervisory ratios, training, quality assurance mechanisms, technological supports and data collection. Many interviewees said that these workforce improvements had begun to translate into improved case practice and better outcomes for children and families. However, some interviewees said that workforce improvements that were made as a result of litigation had yet to result in improved outcomes.

The problem of staff turnover was identified by many interviewees as an area that had not been successfully addressed. Interviewees also noted only moderate improvements in regard to staff incentives (salary, benefits, professional development opportunities, etc.); the quality of supervision; working conditions, including safety issues; the use of research to inform practice; and leadership and agency culture. Interviewees noted that some improvements were difficult to sustain with leadership changes and the changing political and economic climate.

Reflecting on their experiences, interviewees made a number of suggestions for improving the child welfare workforce, which provide a useful framework to guide current and future reform efforts—in or outside of the context of litigation—and to build upon the successes that have been achieved. Interviewees made clear that specific strategies related to improving the workforce need to be front and center of any systemic effort to reform a child welfare system, whether court-ordered or not. When pursuing workforce reform *in* the context of litigation, the parties should seriously consider codifying some of the substantive recommendations below in the court order itself and/or in implementation plans developed as a result of the court order.

The recommendations listed below address ways to enhance the process of reforming the child welfare workforce (#'s 1-5), as well as substantive reform strategies (#'s 6-17). The Executive Summary and the full report contain more detailed information regarding specific activities and steps to improve the workforce.

1. A next friend is someone who acts as the client on behalf of a minor or incompetent plaintiff.

RECOMMENDATIONS

1. Increase outreach to and the involvement of key stakeholders in the design and monitoring of the workforce reform process.
2. Reduce acrimony between various stakeholders (e.g., litigants, management and staff, public and private agencies, etc.) by providing regular opportunities for interaction and communication about the workforce reform efforts.
3. Draw significantly upon policy and practice expertise in the design and monitoring of negotiated court orders and reform plans to improve the workforce.
4. Construct workforce reform efforts broadly, e.g., include all functions (investigations, in-home/preventive, foster care, and adoption) of the child welfare system.
5. Strike a balance between court orders that may be overly prescriptive and court orders that do not include enough interim or process measures to ensure a clear roadmap—and the necessary supports for the workforce—to improve outcomes for children and families.
6. Focus on staff retention efforts by establishing manageable caseloads and workloads and providing quality training and supervision, adequate salaries, benefits and incentives and access to professional development opportunities. Ensure that recruitment efforts focus on hiring the right staff for the right positions.
7. Improve the range of staff incentives, including appropriate salaries, benefits, stipends for advanced degrees or specialized skills and opportunities for advancement.
8. Develop and measure supervisory competencies, not only supervisory ratios or supervision hours. Create performance benchmarks that inform caseworkers' promotion to supervisory positions and the evaluation of supervisors' job performance.
9. In addition to increasing the number of training hours offered to staff, address the content and quality of training opportunities to ensure that they are based on best practices and help staff develop needed skills.
10. Establish caseload standards that reflect a real analysis of workload (i.e., the amount of time needed to perform the various functions of the job) and increase clerical supports to help workers do their jobs.
11. Improve working conditions and address safety issues both in and outside of the agency by providing clean and upgraded office space, desks, telephones and cell phones for workers, and instituting safety procedures such as stationing law enforcement in agency buildings and allowing for teaming on cases.
12. Implement organizational culture change at all levels, by ensuring high quality agency leadership, valuing worker input, communicating the agency mission internally and externally and retraining the entire workforce (not just new staff) in the philosophy and practice model.
13. Provide technological supports including user-friendly automated information systems, laptop computers and handheld personal digital assistants (PDAs), and solicit worker feedback when designing and refining these supports.
14. Create internal and external accountability and oversight structures through accreditation, ombudsman offices, child fatality and other review boards and fully staffed Quality Assurance units that conduct meaningful data analyses.
15. Expand data collection and analysis and utilize data to inform policy, practice, supervision and training at all levels.
16. Establish research and evaluation capacity through collaborations with universities to help conduct trend analyses, evaluate programs and inform performance-based contracting.
17. Develop legislative allies and cultivate child welfare champions to support the federal and local policy and resources necessary to maintain a qualified workforce with the appropriate caseloads, training, supervision and resources to effectively do their jobs.

Additional attention to and supports for the workforce must be provided in order to improve outcomes for children and families involved with child welfare systems across the nation.

II. EXECUTIVE SUMMARY

The recruitment, preparation, support and retention of public and private agency child welfare staff working with abused and neglected children and their families are important and ongoing concerns.¹ During the past two decades, many questions have been raised about the adequacy of and the supports provided to the child welfare workforce,² while at the same time research has highlighted the correlation between workforce issues and outcomes for children and families and expenditures at the federal, state and local levels.³ The quality of the child welfare workforce becomes a concern of the general public—if only momentarily—when the media reports on the deaths of children previously or currently known to the child welfare system and poor casework appears to have contributed to the deaths.

One body of class action litigation has focused on reforming public child welfare systems across the country.⁴ By creating a greater awareness of systemic problems, putting pressure on politicians and administrators and using the power of the courts to promote change, litigation has served as a catalyst for child welfare reform⁵ by enhancing resources and addressing critical workforce issues, including caseloads, staff qualifications, training, supervision, recruitment and retention, policy development, information systems, quality assurance and financing.⁶ Limitations that have been noted of class action litigation as a reform tool are its inherently adversarial nature and its potential to focus on rigid indicators of quantity (“bean-counting”) instead of creating a comprehensive, strategic process focused on quality and deep institutional change.⁷

This report provides the findings from a review of efforts to strengthen the child welfare workforce through class action litigation and summarizes the lessons learned. These lessons provide a useful framework for current and future efforts to improve the child welfare workforce, both in and outside of the context of litigation.

Children’s Rights, in collaboration with the National Center for Youth Law (NCYL) and with support from Cornerstones for Kids, interviewed 74 key stakeholders⁸ involved in class action litigation in 12 jurisdictions⁹ about the provisions¹⁰ related to workforce issues that are included in the court orders¹¹ in these cases, the progress made and the barriers that have hindered success. Interviewees were extremely candid in their interviews, providing very rich and deep perspectives.¹² In addition to interviews with stakeholders, Children’s Rights and NCYL reviewed initial complaints,¹³ monitoring reports¹⁴ and other documentation containing data reflecting the progress made on workforce issues in these jurisdictions.

2. Alliance for Children and Families (ACF), 2004; Breitenstein, Rycus, Sites & Kelly, 1997; Child Protection Report, 2002; Zlotnik, 2002.

3. AdvoCasey, 2004; Alwon & Reitz, 2000a, 2000b; Malm, Bess, Leos-Urbel, Geen & Markowitz, 2001; Pelton, 1990; Zlotnik, 2001.

4. ACF, American Public Human Services Association (APHSA), & Child Welfare League of America (CWLA), 2001; APHSA, 2001, 2005; Center for the Study of Social Policy (CSSP), 2003a; Ellett, 2002; Hochman, Hochman & Miller, 2004; Maluccio & Anderson, 2000; Pew Commission on Children in Foster Care, 2004.

5. Bertelli, 2004; Kaplan, 2003; CWLA & ABA Center on Children and the Law (ABA), 2005.

6. CSSP, 1998; Gluck Mezey, 1998.

7. CWLA & ABA Center on Children and the Law (ABA), 2005.

8. CSSP, 1998; Gluck Mezey, 1998.

9. Interviewees included plaintiffs’ counsel, current and former defendants (public child welfare agency representatives), current and former court monitors, representatives of foster parent and service provider membership organizations, judges, GALs, consultants, advocates, private providers, mediators, university-agency training partnership staff and next friends.

10. Class action child welfare reform cases in the following 12 jurisdictions were the focus of this project: Alabama; Arkansas; Baltimore, Maryland; Broward County, Florida; Connecticut; Illinois; Kansas City, Missouri; Milwaukee, Wisconsin; New Mexico; Tennessee; Utah; and Washington, D.C.

11. A workforce provision is any goal, benchmark, activity or intended outcome in a court order that directly targets developing and improving the quality and capacity of the child welfare workforce. This includes any type of provision that makes the workforce better able to perform its duties and responsibilities; professionalizes the workforce; aids in the recruitment and retention of workers; improves the organizational environment and culture; and aims to develop improved systems of accountability, oversight, and evaluation of practice.

12. For the sake of brevity we have used the term “court orders” throughout this report as a general term to encompass all the court-ordered remedies represented in this study, although in many instances the remedies may have been by consent. Despite the nomenclature, the common thread is that all are/were court-enforceable, court-ordered remedies.

13. The complete report provides numerous verbatim quotes from interviewees.

14. A lawsuit formally begins with the filing of a “complaint.” The complaint is filed by a person or entity claiming legal rights against another. Complaints are pleadings and must properly state the factual as well as legal basis for the claim. A complaint must also name both the party making the claim and all defendants, and should state what damages or performance is demanded.

15. In class action child welfare litigation, court orders typically require that periodic “monitoring reports” be issued to assess an agency’s compliance with the terms of the agreement. These monitoring reports are usually prepared by third-party child-welfare experts who are chosen by the parties.

Children’s Rights conducted a review of the child welfare research, policy and practice literature¹⁵ and identified 12 components important to improving the quality and effectiveness of the workforce: 1) Recruitment and Retention; 2) Staff Incentives; 3) Supervision; 4) Training and Education; 5) Caseloads and Workloads; 6) Working Conditions; 7) Organizational Environment (agency mission, structure, culture, etc.); 8) Technology; 9) Accountability and Oversight; 10) Data; 11) Research and Evaluation; and 12) Funding and Legislative Support. These 12 components provided the framework for the interview protocol and review of available data from each of the jurisdictions.

The sections below highlight the major findings from this assessment, including what factors interviewees identified as most important to improving the child welfare workforce; the status of progress in these jurisdictions; and recommendations from the interviewees for current and future efforts to improve the child welfare workforce, which are applicable both in and outside of the context of litigation.

16. This literature review was developed by Children’s Rights in the context of another joint project—also funded by Cornerstones for Kids—with the Children’s Defense Fund. This project is examining federal policy and legislative changes to promote child welfare workforce improvements. The complete reference list is provided in Appendix 3 of the full report.

FINDINGS

A. Contextual Factors Important to Improving the Workforce

Interviewees consistently reported that the most important factors in improving the child welfare workforce in their respective jurisdictions were:

1. The leadership of the child welfare agency (i.e., the commissioner/director and senior management team setting the tone and expectations within the agency);
2. The resources, attention and pressure resulting from the litigation;
3. Budget considerations in the jurisdiction; and
4. Support of or resistance to the reform effort by social workers and supervisors.

Interviewees frequently noted the importance of a confluence of factors, e.g., that the litigation brought critical attention and resources, while strong agency leadership was necessary to implement the reforms. The vast majority of all interviewees said that there would not have been improvements without the litigation or that the improvements would not have been as significant.

B. Assessment of Progress in Improving the Workforce

Interviewees noted significant improvements in their respective jurisdictions since the court order, including increases in funding for the system and improvements in staff recruitment, caseloads, supervisory ratios, training, quality assurance mechanisms, technological supports and data collection. Many interviewees said that these workforce improvements had begun to translate into improved case practice and better outcomes for children and families. However, some interviewees said that workforce improvements had yet to result in improved outcomes.

The problem of staff turnover was identified by many interviewees as an area that had not been successfully addressed. Interviewees also noted only moderate improvements in regard to staff incentives (salary, benefits, professional development opportunities, etc.), the quality of supervision, working conditions, the use of research to inform policy and practice and leadership and agency culture. Interviewees noted that some improvements were difficult to sustain with changes in leadership, staff turnover and the changing political and economic climate.¹⁶

Children's Rights' and NCYL's review of available data from these jurisdictions¹⁷ pertaining to workforce issues supports the statements made by interviewees about progress since the litigation. The table on pages 20-24 provides snapshots of the workforce issues in these jurisdictions at the start of the litigation and the progress to date.¹⁸

C. Recommendations for Moving Forward

Reflecting on their experiences, interviewees made a number of suggestions for improving the process of child welfare workforce reform (i.e., the way reforms are designed and implemented, who is or is not involved in decisions, etc.), as well as recommendations for effective substantive reform strategies. Although this project studied workforce reforms taking place in the context of class action litigation, many, if not all, of the recommendations offered below are applicable to reform efforts occurring in or outside of litigation. These recommendations should be considered whether reforms are being made administratively, legislatively or pursuant to a court order.

17. The full report provides extensive detail and summaries of interviewees' commentary on the strategies to improve the workforce that were implemented, the challenges that were encountered and the degree of progress that was made.

18. Reviewed documents included initial complaints, early and recent monitoring reports and other documentation of the status of the child welfare system in each jurisdiction.

19. The data are not entirely comparable across jurisdictions because the same data indicators were not available for all jurisdictions. In addition, within cases, the pre- and post-data are not always comparable due to changes over time in the way data were measured.

Interviewees made clear that specific strategies related to improving the workforce need to be front and center of any systemic effort to reform a child welfare system, whether court-ordered or not. When pursuing workforce reform *in* the context of litigation, the parties should seriously consider codifying some of the substantive recommendations below in the court order itself and/or in implementation plans developed as a result of the court order.

Interviewees said that it is critical to consider and understand the agency culture and to identify the underlying causes of problems in the child welfare system. They noted the need to focus intensively on improving the quality of frontline practice through attention to the background and experience of staff hired, the content of training, the supervisory relationship and quality assurance and data feedback mechanisms. The focus cannot be exclusively on, for example, how many staff have been hired, how many hours of training staff are offered and how many case plans have a current date on them.

The recommendations listed below address ways to enhance the process of reforming the child welfare workforce (#'s 1-5), as well as substantive reform strategies (#'s 6-17).

1. Increase Outreach to Stakeholders

There was a very strong belief among the workforce that the decree had no relationship to them. It was only when they got to the point of involving workers, supervisors and managers that they began to get some traction about changes. Not that the decree itself would have been so different; it was really more about engaging people in the process.

CONSULTANT

A primary recommendation from interviewees was to increase outreach to and the involvement of key stakeholders—line staff, the union, foster parents, community service providers, local advocates, judges, etc—to obtain input and ensure broad-based support of workforce reform efforts. Interviewees said that some of the challenges to improving the workforce that arose during the course of the lawsuit were due to the failure to substantially engage key stakeholders during the reform process.

2. Reduce Acrimony Through Regular Communication

There's a learning process at the beginning of these decrees. You come together with your adversary and agree, you're trying to build trust, but you're uncertain. It's a very public process, and people don't engage in a lot of problem solving conversations early on.

CHILD WELFARE AGENCY REPRESENTATIVE

Interviewees noted the need to take steps to reduce the acrimony that can occur between the parties in the course of litigation. (The analogue outside of the litigation context could be when acrimony develops between management and staff, the public and private sectors, etc., during high pressure situations, such as a child fatality, and communication between these groups becomes strained.) Interviewees involved in cases of both shorter and longer duration commented that acrimony sometimes contributed to periods of time during which not much happened to

address workforce issues and concerns. Recognizing that litigation is an inherently adversarial context, interviewees identified the need to provide opportunities for regular interaction and communication among the stakeholders in order to facilitate productive working relationships as workforce reforms are being implemented.

3. Draw Significantly Upon Policy and Practice Expertise in Designing Reforms

The second agreement was much more effective, which I attribute to the fact that it was expert-driven, while the first agreement was attorney-driven. You need an expert-driven decree from the start.

CHILD WELFARE AGENCY
REPRESENTATIVE

Interviewees noted the importance of drawing significantly upon policy and practice expertise in the design and monitoring of negotiated court orders and reform plans, rather than having this as the sole province of defendants' and plaintiffs' attorneys. (The analogue to this outside of the context of litigation could include situations in which reform plans are driven by political pressures and media attention resulting from high profile cases.) Interviewees noted that the involvement of policy/practice experts can

help ensure that requirements and implementation plans to improve the workforce are based on best practices and are feasible and practicable. Their involvement can also ensure the use of appropriate quantitative and qualitative methods to measure progress, identify trends and guide future reform efforts. In addition, interviewees said that the involvement of policy/practice experts may have the added benefit of reducing acrimony between the parties.

4. Broaden the Focus of Reforms

It should be broader than a particular subset of the child welfare population (e.g., covering only children in foster care). The fact is that the same family exists and needs the same quality and level of service, whether the kid is in or out of foster care. [Also, with a consent decree focused in just one county], there was not an equitable distribution of resources across the state. There was even some hostility between staff in the different counties. I think that a state-based suit is better in the long-run, because it makes the whole system better at once.

CHILD WELFARE AGENCY
REPRESENTATIVE

Interviewees said that it was important to construct workforce reform efforts broadly, both in terms of the functional areas within the child welfare system and geographically. For example, they noted difficulties when reform efforts were targeted “only” at the foster care workforce within a system (and not, for example, at the investigations or in-home/preventive services workforce), or “only” in one county office within a state. Interviewees said that different pieces of the system are inextricably inter-related, e.g., the number of children in foster care is in part a function of the investigation component of the system. They noted that more narrowly-focused court orders sometimes led to the unintended consequence of resources being decreased in other parts of the system or other areas of the state in order to comply with the provisions of a court order. (The analogue to this outside of the context of litigation could include situations in which resources

and attention are applied in certain areas based on political pressures and media attention resulting from high profile cases.) Court orders have in fact sometimes been limited to certain functional areas within a child welfare system or to certain geographic areas, due to logistical and/or legal limitations. However, this does not necessarily preclude systems from attempting to implement reforms more broadly. A child welfare agency may be able to leverage the lawsuit (or the media pressure or spotlight of a tragedy) as an opportunity to advocate for appropriate workforce reforms in other “sectors” of the agency and statewide.

5. Balance Outcome and Process Measures

Early on, the consent decree was very process-oriented rather than results-oriented, with discrete sections that were each negotiated separately. It could have been cleaner and simpler, with better priorities. It counted compliance, rather than how measures actually resulted in caseworkers doing good things for kids. There should have been a set of established priorities in the beginning, and the number of things folks had to do at one time was overwhelming.

MEDIATOR

A number of interviewees suggested that it was important to pay more explicit attention in court orders to workforce issues. They advocated for moving beyond the standard provisions that have been included in court orders—such as maximum worker caseloads and supervisor/worker ratios—and including provisions that address, for example, training competencies, salaries and other staff incentives, quality of supervision, etc. Underscoring these recommendations, several interviewees said that only what is mandated gets done.

However, some interviewees said that court orders should be less prescriptive and process-oriented and more focused on outcomes. The nature of provisions focusing on workforce supports is that they are process-oriented, i.e., they reflect actions to be taken to improve supports for staff, rather than end-game outcomes for the jurisdiction to achieve for children, such as X percent of children will be returned home safely or adopted within required timeframes.

Herein may lie the “art” of class action litigation to improve the child welfare workforce: striking the balance between negotiated court orders that may be overly prescriptive and court orders that do not include enough interim or process measures to ensure a clear roadmap—and the necessary supports for the workforce—to ultimately improve outcomes for children. (The analogue to this outside of the context of litigation could include situations in which reform plans are imposed by the legislature, governor or mayor following high profile cases.)

6. Focus on Retention First, Then Recruitment

You may be able to create greater capacity with a consent decree, as it has the promise of improvement. On the other hand, turnover doesn't necessarily get resolved. You may hire 1,000 workers to comply, but then you are losing folks even as you're hiring. It's about supporting workers once they're on board. You have to pay attention to the simple things (e.g., do they have a desk, a place to work) and ask "how do you prepare the workforce and support them?"

CHILD WELFARE AGENCY REPRESENTATIVE

The majority of interviewees indicated that the litigation resulted in increased recruitment efforts, additional staff and greater systemic attention to both recruitment and retention. However, interviewees said that more attention needed to be paid to retention, as gains made through successful recruitment can be quickly thwarted by high turnover.

Interviewees recommended the following strategies to improve recruitment and retention:

- Thoughtfully plan and sequence the implementation of reforms, i.e., you cannot add 150 new staff without considering and planning for the various implications of a large-scale hiring (such as the training, supervision, administrative supports and technological resources that the newly hired staff will need in order to be effective);
- Provide a realistic job preview to prospective staff and focus on recruiting/hiring the "right" staff, not just hiring any potential candidate to meet hiring numbers;
- Conduct studies of turnover to better understand the factors driving turnover and inform efforts to improve retention;
- Ensure that workers are provided with adequate training and supervision so that they do not burn-out and leave;
- Establish appropriate caseloads and workloads so that workers can be successful;
- Ensure that workers have the practical resources necessary to do their jobs, e.g., desks, computers, cars and other supports;
- Establish social work degree requirements for staff, develop incentives for obtaining these degrees and establish relationships with local university social work programs that can provide a pipeline of degreed staff;
- Create meaningful employee appreciation activities;
- Address salary and promotional structures to make positions more competitive and attractive;
- Take necessary steps to ensure that the human resources (HR) function is connected to the agency mission and better aware of agency needs and goals;
- Streamline the hiring process to ensure swifter decision-making and correct challenges posed by state/county personnel systems, such as delayed response time to requests for filling vacancies and lengthy hiring processes;
- Develop specialized staffing departments, including overhire units designed to satisfy short-term, seasonal, or other workload challenges by maintaining a cadre of trained staff who can fill vacancies as they arise, or through the hiring of part-time or contract staff to fill vacancies caused by planned leaves or hiring freezes;
- Expand the pool of potential applications by utilizing Internet postings, recruiting staff at schools of social work, and conducting targeted recruitment of minorities; and,
- Recruit individuals with relevant life experience.¹⁹

7. Improve Staff Incentives

One of the things we could have pushed is to sustain the increases in salary and benefits. Creating a better salary and benefit structure would have helped. The more people you retain, the less money you have to spend training new staff.

PLAINTIFFS' COUNSEL

Although staff in a few jurisdictions experienced gains in pay, most interviewees noted that worker salaries and benefits went unaddressed in many of the court orders and resulting reform efforts. Acknowledging the complexity of making change given state personnel systems and union contracts, interviewees spoke about the need to identify and attempt to rectify low salaries and undefined career paths, and to address salary and benefit disparities between the public and private sectors.

20. Life-experienced workers include peers of consumers who provide services and supports; former consumers; residents of a common area or persons from the same culture who provide outreach and other linking services and supports; and human service workers with credentials who have earlier life experience *in addition to* their credentials. (Definition offered by Sid Gardner of Child and Family Futures in presentation at Cornerstones for Kids' grantees meeting, September 7, 2006).

Interviewees recommended the following strategies to improve the range of staff incentives:

- Conduct studies to compare agency salaries to those in other states or counties to make the case to the executive branch and legislature for pay increases and the development of more competitive pay scales;
- Offer stipends and incentives to workers for obtaining social work degrees;
- Create specialized, higher-pay positions to attract and retain specially-skilled staff (such as the creation of a sexual abuse unit staffed by staff with advanced degrees and experience in the assessment and treatment of children with sexual abuse histories); and
- Include private community service provider agencies in the problem-solving efforts and consider the impact on the system of salary differentials between the public and private sectors.

8. Develop and Measure Supervisory Competencies

Although we addressed the number of supervisors, we didn't really address the quality of supervision. We had good requirements for education, training and experience for supervisors, but we didn't do enough exploration of what makes a good supervisor.
MONITOR

Most interviewees noted that, since the litigation, supervisory ratios have improved, the amount of time caseworkers spend with their supervisors has increased and performance evaluations are completed in a more timely fashion. In several instances, however, interviewees said that the quality of supervision had not significantly improved.

Interviewees recommended the following strategies to improve the quality of supervision:

- Develop supervisory competencies and use them to inform decisions regarding promotion of caseworkers and as benchmarks to monitor supervisor performance;
- Place supervisors directly in the field with caseworkers to enhance the supervisory relationship and the timeliness of decision-making;
- Require supervisors to attend the same trainings as caseworkers to ensure transmission of classroom-based knowledge to the field;
- Develop comprehensive mentoring programs for supervisors;
- Create a managerial level dedicated solely to providing supervision to field supervisors;
- Require and provide funding for supervisors to obtain advanced social work degrees; and
- Facilitate the robust involvement of supervisors in the reform efforts through their inclusion in task forces and focus groups and the development of supervisor-directed reform plans at the local level.

9. Address the Content and Quality of Training

The agency training program is much improved. Formerly, new caseworkers were immediately given a full caseload and would be given some half-hearted training later on when they needed a break from the rigors of their caseload. Now, workers are given several weeks of training before they pick up a full caseload, and receive 40 hours per year of ongoing professional development training thereafter. Both initial and ongoing trainings are aimed at improving job performance and integrated into the agency's social work model and organizational goals.
CHILD WELFARE AGENCY REPRESENTATIVE

Almost all of the court orders included specific requirements regarding training hours. Most interviewees noted that the litigation led to substantially increased training and the establishment of both educational requirements and opportunities for staff. Some interviewees commented that improvements in training and education had resulted in better casework practice. However, other interviewees said that outcomes had not been affected by changes in training and education and noted that there was a need to focus more on the quality of training.

Interviewees recommended a number of strategies to improve training and education:

- Ensure that the training curriculum focuses on meaningful competencies and is based on the best information available about best practices;
- Retrain the entire workforce (not only newly hired staff) when implementing a new policy or practice model;
- Draw upon the resources of local universities to help develop and implement training;
- Ensure that social work programs are effectively preparing students for careers in child welfare;
- Develop supervisory training models that are compatible with the training provided to caseworkers to ensure greater congruence between caseworker and supervisor philosophy and practice;
- Provide stipends or subsidies for staff who pursue social work degrees and child welfare licensing credentials;
- Require all supervisors to obtain advanced social work degrees;
- Provide comprehensive on-the-job mentoring, including placing supervisors in the field with new caseworkers;
- Plan training schedules so that staff can attend, and monitor and track staff attendance at trainings;
- Monitor staff performance in relation to training competencies;
- Ensure that trainings and educational opportunities are held in locations that are convenient for staff to attend;
- Develop an on-site MSW program at the agency; and
- Monitor private community service provider compliance with training requirements.

10. Establish Caseload Standards That Reflect a Real Analysis of Workload²⁰

Caseloads are taken more seriously now, as they have hired more staff and reduced the caseloads from 30-50, to about 20 now. But they still don't get enough clerical or support staff, there are really no secretaries, and no case aides to speak of. So caseworkers don't get much direct support in their day-to-day responsibilities.
ADVOCATE

The majority of interviewees said that the litigation played a substantial role in defining appropriate caseload limits and decreasing worker caseloads. They also noted, however, that progress has been hindered by worker turnover, the causes of which can include inadequate clerical support. While some interviewees said that clerical supports improved following the litigation, others indicated that needed administrative supports were largely overlooked during the reform process.

Interviewees recommended a number of approaches to decrease caseloads and workloads:

- Increase the allocation of caseworker and supervisor positions;
- Initiate large-scale recruitment of new, qualified staff;
- Assess workloads so that caseload limits can more appropriately be set;
- Assess and allocate funding for clerical and paraprofessional support staff;
- Reorganize staff assignments to allow for job sharing and teaming on cases;
- Locate offices in the neighborhoods where staff are working so that workers are closer to the children and families they serve; and
- Create specialized staffing units to ensure the maintenance of trained staff to fill vacancies when they arise.

11. Improve Working Conditions

Safety is a challenge for child welfare systems across the country. The buildings may now be ok, but in terms of the dangerous environments they work in (e.g., meth lab busts, homes with guns, etc.), safety is just an issue nationally.
ADVOCATE

A small number of interviewees said that, following the court order, office environments were cleaned and upgraded, desks and telephones became available for all workers and safety protocols were instituted. Interviewees recommended an increased focus on these issues through a number of strategies:

21. Workload refers to the amount of time it takes to complete all case-related tasks, e.g., transporting children to family visits, developing a case plan, meeting with foster parents, etc.

- Conduct a comprehensive study of working conditions, including safety needs and physical plant issues;
- Involve staff in developing solutions, to avoid inappropriate or shortsighted responses to safety or physical plant issues;
- Provide all caseworkers with cell phones;
- Station law enforcement personnel in agency buildings;
- Allow for teaming on difficult cases; and
- Decentralize agency offices to ensure that workers are closer to necessary resources and supports in emergencies.

12. Improve Leadership and Organizational Culture

It takes time to alter a culture – takes time to create a skills-based and knowledge-based environment. Improved interaction between the workforce and management over time is needed to achieve full buy-in.
MONITOR

Many interviewees said that the litigation brought in new and stronger leadership and helped catalyze needed changes in the workforce culture and organizational environment. However, interviewees noted that, over the “life” of a case, gains were made during times of good leadership, and progress often slowed or stalled during times of bad leadership. They also

said that leadership turnover has negatively affected the pace of reform, and that having leaders without practical child welfare or human services experience, as well as limited or inadequate leadership in local area offices, posed challenges to the reform efforts.

Several interviewees said that, in hindsight, there should have been a harder push for new and better leadership in their respective jurisdictions, especially in the context of spearheading the reform. Interviewees also noted that, at times, too much attention was paid by the child welfare agency to developing a new mission or vision for the agency, and not enough effort was put into infusing it into policy and practice.

Interviewees recommended the following strategies to improve leadership and the organizational environment:

- In the context of litigation, specifically, include provisions in the court order that specify the required skills and experience for child welfare agency leaders, and discuss leadership needs during the creation of reform plans to implement the court order;
- Place the highest priority on identifying and retaining a strong leadership team within the child welfare agency by conducting a national search for agency leaders and managers to ensure the best possible candidates;
- Draw upon national child welfare expertise to help shape the vision, mission and philosophy of the agency;
- Ensure that agency leaders actively engage frontline staff by soliciting their feedback and periodically shadowing their work activities to gain a realistic perspective regarding the complex challenges they face and address every day;
- Retrain the entire workforce, not simply newly hired staff, when implementing a new policy and practice model;
- Engage local area office leaders and management teams in the reform efforts (not just headquarters), as well as caseworkers and supervisors, to encourage greater buy-in and comprehensive culture change; and
- Include private community service providers working with the child welfare agency in workforce reform efforts.

13. Provide Necessary Technological Supports

The consent decree brought a technological focus to the department – automated systems, case records that are computerized, computers available for each worker, phones, etc.
MONITOR

Approximately half of the interviewees said that the litigation brought about substantial improvements in terms of technological resources, including the provision of cell phones, laptop computers and PDAs, as well as the development of well-functioning, user-friendly automated information systems.

Interviewees recommended two basic strategies to ensure that workers have the technological supports they need to do their jobs well:

- Provide all staff with access to transportation, cell phones and computers; and,
- Solicit worker feedback when developing new or refining existing technology to ensure usefulness.

14. Create Internal and External Accountability and Oversight Structures

If you don't look at systemic dynamics, you keep monitoring and looking at numbers all the time, but you can't explain why things are this way. It is critical to understand "what are our workforce dynamics?" in order to answer the question "why do we have so many placement moves?" You need to understand the systemic dynamic that drives that performance indicator if you want to make a change.
TRAINING CONSULTANT

The majority of interviewees noted that, since the litigation, there had been substantial improvement in agency transparency with stakeholders and quality assurance (QA) reporting, as well as the initiation of accreditation activities, ombudsman offices, child fatality review boards and other stakeholder review boards.

Interviewees recommended a number of different strategies to ensure robust internal and external oversight and quality assurance processes that provide meaningful feedback to managers and staff both during and after the reform effort:

- Staff agency QA units with qualified individuals who have backgrounds in research and evaluation;
- Ensure that QA units rely on comprehensive data reflecting the quality of services, client satisfaction with services and systemic factors that impact outcomes;
- View and use QA reports as tools for supervision and reform;
- Share QA reports with stakeholders and monitoring groups;
- To ensure objectivity for a period of time during the early phases of reform, consider initially contracting out the QA function to a university, that would set up the data elements, reporting processes and unit structure, before transferring it in-house later on; and
- Encourage local offices of the child welfare agency (i.e., not just the agency headquarters) to become directly involved in QA activities, and develop QA capacity in local offices to ensure responsibility for and buy-in to oversight activities and reforms.

As with most of the interviewees' recommendations, the above recommendations are relevant both in and outside the context of litigation. In the context of litigation specifically, interviewees recommended taking steps to establish and fund an independent monitoring function²¹ to ensure the identification of key data needs; development of new methods for collecting and analyzing data; framing of QA reporting to inform policy and practice; and consultation to the parties regarding best practices and reform strategies. Interviewees also noted the importance of developing and defining clear exit criteria²² and a plan achieving those benchmarks to prevent reform fatigue, or a lack of energy, attention and focus resulting from there being no end in sight.

15. Expand Data Collection and Analysis

An organizational focus on data would strengthen issues locally. Giving data more priority and monitoring the use of data, especially at the local level, is something that could be done to improve the workforce.
MONITOR

The majority of interviewees viewed the litigation as playing a substantial role in improving data collection, management and sharing in their jurisdiction. Many interviewees also noted that while the quantity of available information had increased significantly, data reports were not consistently being used to inform the field.

22. Although most of the cases have/had independent monitors, a few interviewees in jurisdictions where there was or is no independent monitoring function noted the need for a funded, independent monitoring function.

23. When a case for which there is a court order also has an exit plan, either in the order itself or in a separate document, then the parties have reached agreement on a set of measures, or "exit criteria," the occurrence of which would mean the state or county can exit from the court order, and the case would successfully conclude.

Interviewees recommended a range of strategies to improve administrative data collection, analysis and reporting and the utilization of data to inform policy, practice, supervision and training:

- Create staff focus groups to ensure buy-in to changes in data collection processes and the use of data to influence training, supervision and policy and practice decisions;
- Develop and enhance automated information systems to ensure that relevant data can be accessed and analyzed in a timely fashion;
- Improve the availability of data reporting by office, supervisory unit and individual caseworker;
- Issue regular regional and unit-level reports to provide information to staff and stakeholders and to allow for ongoing comparison and improvement; and
- Increase transparency on the part of the agency regarding data elements, methodology and reporting.

16. Develop and Make Use of Research and Evaluation Capacity

Research has improved in terms of what to measure and how to measure it, but there is work to be done in understanding what to do with the information. We are much better at assessing data today – the solutions side requires more work. They are still unclear regarding what to pay attention to, and what trends mean. It is important that they continue to learn to set targets, and watch the information to see what happens, rather than setting targets based on the data they already have.
MONITOR

The majority of interviewees noted that research and evaluation to analyze trends and identify and evaluate best practices have improved following the litigation. However, interviewees also noted that comprehensive child welfare research has only recently been a focus in the field and that future efforts by the child welfare agency should center on the development of research studies to inform evidence-based practice models.

Interviewees recommended a number of different strategies to improve research and evaluation capacity in child welfare agencies:

- Collaborate with state and local universities to facilitate comprehensive analysis of agency programs and outcomes;
- Conduct workforce research focused on recruitment and retention issues such as salaries and reasons for turnover; and
- Use research capacity to implement performance-based contracting with private providers.

17. Cultivate Legislative Allies and Child Welfare Champions and Ensure Lessons Learned from Litigation and Other Reform Efforts Are Incorporated into State and National Law and Policy

Our county ended up with a healthy funding stream – tripled its child welfare budget. With the lawsuit, we were able to educate the community ... This fundamentally changed the system. We used it politically, and used the press and worked with legislators and local leadership.
PLAINTIFFS' COUNSEL

The majority of interviewees indicated that the litigation resulted in significant increases in legislative attention, funding and policy changes for child welfare services. Interviewees said that, prior to the litigation, the legislature generally had very little interest in child welfare, and few “child welfare champions” existed in their jurisdiction. Interviewees noted that the litigation served to engage child welfare managers, governors, legislators and others in a dialogue about child welfare and the resources needed to reform the system. The savviest administrators were able to

take advantage of the opportunity presented by the litigation to strengthen their case to the legislature for adequate funding and to develop child welfare champions to support a qualified workforce with appropriate caseloads, training, supervision and resources to effectively do their jobs.

Interviewees also commented that it was important to take steps to institutionalize key provisions from the court order into state legislation and/or regulations, so that requirements and resources live on after the end of the lawsuit.

Interviewees said that the lessons learned from litigation should be brought to bear on national child welfare policy including, for example, national caseload standards, necessary training and resources, and effective quality assurance processes.

In addition, interviewees noted that there are learnings from the litigation context that can inform the indicators that should be measured through the federal Child and Family Service Reviews (CFSRs).

Interviewees recommended several strategies to increase legislative support and ensure that the lessons learned from litigation live on after the lawsuit has ended:

- Increase collaboration between the parties to more actively engage legislators and educate them about child welfare issues and needed resources;
- Make use of the power of the court in the class action case to attempt to leverage certain levels of funding for the system;
- Explore innovative financing strategies, including waivers or the development of a children's taxing district²⁴;
- As appropriate, incorporate the tenets of the court order or reform effort into state and local child welfare legislation and policy; and,
- Utilize the lessons learned in litigation and other reform efforts to advocate for new resources and effective policy at the federal level.

CONCLUSION

This report provides the findings from a review of efforts to strengthen the child welfare workforce through class action litigation and summarizes the lessons learned. This assessment indicates that improvements have been made in the child welfare workforce in jurisdictions that have been the subject of child welfare class action reform litigation, including increases in funding for the system and improvements in staff recruitment, caseloads, supervisory ratios, training, quality assurance mechanisms, technological supports and data collection.

Work remains to be done to improve staff turnover, staff incentives, the quality of supervision, leadership and agency culture and the use of data and research. The interviewees' recommendations for moving forward provide a useful framework for strengthening the child welfare workforce both in and outside the context of litigation. The graphic on pages 17-19 provides a brief summary of these recommended strategies to strengthen the child welfare workforce. Additional attention to and supports for the workforce must be provided in order to improve outcomes for children and families involved with child welfare systems across the nation.

24. A county where taxes are raised to help children and their families by levying local property taxes purely to help provide children with services and supports.

17 STRATEGIES FOR IMPROVING THE CHILD WELFARE WORKFORCE

IMPROVING THE PROCESS OF CHILD WELFARE WORKFORCE REFORM

1. Increase Outreach To Stakeholders

Reach out & substantially involve key stakeholders - line staff, the union, community service providers, local advocates, judges, legislators, etc. - in the process of identifying problems/solutions & tracking/monitoring progress

2. Reduce Acrimony Through Regular Communication

Establish & maintain ongoing interaction & communication between groups (litigants; management & staff; public & private sectors) to build relationships & increase trust

3. Draw Significantly Upon Policy/Practice Expertise In Designing Reforms

Involve policy & practice experts in the design & monitoring of reform plans to ensure they reflect best practices & are reasonable & doable

4. Broaden The Focus Of Reforms

Expand reform efforts beyond the workforce serving a particular population, e.g., foster care, to include all child welfare agency staff & focus reform on a broader geographic area, i.e., statewide rather than county-based

5. Balance Outcome & Process Measures

Strike a balance between outcome measures—that track the ultimate indicators of safety, permanency and well-being—and process measures—that specify a clear roadmap for reaching desired outcomes

SUBSTANTIVE CHILD WELFARE WORKFORCE REFORM STRATEGIES

6. Focus On Retention First, Then Recruitment

- Plan & sequence the addition of new staff
- Provide realistic job preview to ensure recruitment of the “right” staff
- Conduct turnover studies & use findings to inform retention activities
- Ensure adequate training & supervision for workers to prevent burn-out
- Establish appropriate caseloads/workloads
- Ensure workers have the resources they need (e.g., desks, computers, cars, etc.)
- Establish degree requirements for staff, develop incentives for obtaining degrees & establish relationships with universities to create a pipeline of degreed staff
- Create meaningful employee appreciation activities
- Address salary & promotional structures to make positions more competitive & attractive
- Ensure the HR function is connected to agency mission & aware of needs & goals
- Streamline hiring process to ensure swifter decision-making & filling of vacancies
- Develop specialized staffing units or contract or part-time positions to fill vacancies
- Engage in recruitment activities outside traditional scope of state hiring system
- Conduct targeted recruitment of minorities & individuals with relevant life experience

7. Improve Staff Incentives

- Conduct salary studies to better make the case for pay increases & more competitive pay scales
- Offer stipends & incentives to workers for obtaining social work degrees
- Create specialized, higher-pay positions to attract & retain specially-skilled staff
- Include private sector in problem-solving efforts & consider the impact on the system of salary differentials between public & private sectors

17 STRATEGIES FOR IMPROVING THE CHILD WELFARE WORKFORCE, cont.

8. Develop & Measure Supervisory Competencies

- Develop supervisory competencies to inform promotional decisions & performance evaluation
- Place supervisors directly in the field or at court with caseworkers
- Require supervisors to attend the same trainings as caseworkers
- Develop comprehensive supervisory mentoring programs
- Create managerial level to provide ongoing supervision to field supervisors
- Require & provide funding for supervisors to obtain advanced social work degrees
- Facilitate supervisor involvement in reform efforts through focus groups & supervisor-directed reform plans at the local level

9. Address The Content & Quality Of Training

- Ensure training curriculum focuses on competencies & best practices
- Retrain entire workforce when implementing new policy/practice model
- Draw upon resources of universities to develop/implement training
- Ensure social work programs prepare students for careers in child welfare
- Develop supervisory training models that are compatible with caseworker training
- Provide incentives for staff who pursue social work degrees or child welfare licensing credentials
- Require all supervisors to obtain advanced social work degrees
- Provide comprehensive on-the-job mentoring
- Plan training schedules so staff can attend, & monitor & track staff training attendance
- Monitor staff performance in relation to training competencies
- Ensure trainings/educational opportunities are held in convenient locations
- Develop an on-site MSW program at agency
- Monitor private agency compliance with training requirements

10. Establish Caseload Standards That Reflect A Real Analysis Of Workload

- Increase allocation of caseworker and supervisory positions
- Initiate large-scale recruitment of new, qualified staff
- Assess workloads so that appropriate caseload limits are set
- Assess & address clerical support needs
- Reorganize staff assignments to allow for job sharing & teaming on cases
- Locate office in neighborhoods where staff work so that they are closer to the children and families they serve
- Create specialized staffing units to ensure availability of trained staff to fill vacancies

11. Improve Working Conditions

- Conduct studies of working conditions
- Involve staff in developing solutions
- Provide caseworkers with cell phones
- Station law enforcement in agency buildings
- Allow for teaming on difficult cases
- Decentralize agency offices so that workers are closer to necessary resources & supports in emergencies

12. Improve Leadership & Organizational Culture

- In the context of litigation, include provisions in the court order that specify required skills and experience for child welfare agency leaders
- Discuss leadership needs during the creation of a reform plan
- Place high priority on identifying & retaining a strong leadership team by conducting a national search for agency leaders & managers to ensure best possible candidates
- Ensure leaders actively engage frontline staff by soliciting their feedback & shadowing their work activities to better understand the complex challenges workers face every day
- Re-train the entire workforce when implementing a new policy/practice model
- Use expert consultants to help shape vision, mission & philosophy of the agency, & provide consultation directly to counties
- Engage local area office leaders and management teams in the reform efforts (not just headquarters), as well as caseworkers and supervisors, to encourage greater buy-in and comprehensive culture change
- Include private community service providers in reform efforts

17 STRATEGIES FOR IMPROVING THE CHILD WELFARE WORKFORCE, cont.

13. Provide Necessary Technological Supports

- Provide all staff with access to transportation, cell phones & computers
- Solicit worker feedback when developing new or refining existing technology to ensure usefulness

14. Create Internal & External Accountability & Oversight Structures

- Staff agency Quality Assurance (QA) units with qualified individuals who have backgrounds in research & evaluation
- Ensure QA units rely on comprehensive data focusing on quality indicators, client satisfaction with services and systemic factors that impact outcomes
- View & use QA reports as tools for supervision and reform
- Share QA reports with stakeholders and monitoring groups
- Consider initially contracting out the QA or oversight function to a university to set up data elements, reporting processes and unit structure
- Encourage local offices (not just headquarters) to become directly involved in QA activities, and develop QA capacity in local offices to ensure responsibility for and buy-in to oversight activities and reforms
- In the context of litigation, take steps to establish and fund an independent monitoring function to ensure identification of key data needs; development of new methods for collecting & analyzing data; framing of QA reporting to inform policy/practice; & consultation to the parties regarding best practices and reform strategies
- In the context of litigation, develop and define clear exit criteria and a plan for achieving those benchmarks to prevent reform fatigue

15. Expand Data Collection & Analysis

- Create worker focus groups to ensure buy-in to changes in data collection and the use of data to inform training, supervision, & policy & practice decisions
- Develop & enhance automated information systems to ensure access to & timely analysis of relevant data
- Improve availability of data reporting by office, supervisory unit & individual caseworker
- Issue regular regional & unit-level reports to provide information to staff & stakeholders, & to allow for ongoing comparison & improvement
- Increase agency transparency regarding data elements, methodology & reporting

16. Develop & Make Use Of Research & Evaluation Capacity

- Collaborate with state & local universities to facilitate comprehensive analysis of agency programs & outcomes
- Conduct workforce research focused on recruitment & retention issues such as salaries and reasons for turnover
- Use research capacity to implement performance-based contracting

17. Cultivate Legislative Allies & Child Welfare Champions & Ensure Lessons Learned From Litigation & Other Reform Efforts Are Incorporated Into State & National Law & Policy

- Increase collaboration between parties to actively engage legislators & educate them about child welfare issues/needed resources
- Make use of the court in the class action case to leverage certain levels of funding
- Explore innovative financing strategies, including waivers, etc.
- As appropriate, incorporate the tenets of the court order or reform effort into state/local child welfare legislation & policy
- Utilize the lessons learned from litigation & other reform efforts to advocate for new resources & effective policy at the federal level

Review of Available Data: Workforce Issues and Progress to Date in the 12 Jurisdictions

Case	When the lawsuit began and shortly thereafter	Today (or when the case ended)
Angela R. (AR) ²⁴	<ul style="list-style-type: none"> The agency had less than half the social work staff necessary to meet its own standards of no more than 20 cases for foster care workers and no more than 12-14 cases for protective services workers. The caseworker turnover rate was almost 50%. 46% of children in foster homes did not receive the required twice monthly caseworker visits during their first month in placement, and 54% of the children did not receive a monthly visit in subsequent months. 	<ul style="list-style-type: none"> Caseloads remain higher than the recommended standard in every area of the state. 19% of authorized caseworker positions are unfilled. 55% of children in foster care receive all required monthly visits.
B.H. (IL) ²⁵	<ul style="list-style-type: none"> Average caseloads for child welfare workers were between 50 and 60. Average investigation caseloads for CPS workers were between 15 and 17 per month. Supervisory ratios were standardized at 10 to 1 for CPS workers and 8 to 1 for child welfare workers, but many supervisors were expected to oversee many more workers, often totaling 150-200 cases a month, and had to supervise in multiple offices. Turnover rate among caseworkers was high. There were not sufficient workers with fluency in the language and culture of clients. 	<ul style="list-style-type: none"> Average caseloads for child welfare workers are an estimated 15 cases per worker. However, caseworkers in seven of the ten agency sub-regions report caseloads in excess of the terms of the 1991 B.H. consent decree. Though investigation caseloads for CPS workers are set at no more than 12 per month by the consent decree and at no more than nine per month by agency Best Practice protocols, some workers still report receiving more than 12 cases per month. Agency staff was cut by 22% between 2001 and 2005 despite an 11% increase in the number of child abuse investigations. The agency has 25% fewer Spanish-speaking child protective investigators on staff than are needed.
Brian A. (TN) ²⁶	<ul style="list-style-type: none"> Caseworkers were routinely responsible for more than 40 children. When vacancies in caseworker positions were taken into account, caseloads rose to as high as 80 in at least one region. 17% of case-carrying positions were vacant. New workers were trained for only three weeks, and workers were unable to take advantage of in-service training due to the demands of high caseloads. Turnover among caseworkers was high. In one office, the turnover rate in one year was 100%. Supervisors frequently lacked necessary experience and training, and were also often assigned to supervise more caseworkers than they could effectively manage. 	<ul style="list-style-type: none"> 95% of case managers have caseloads at or below the standards set in the Settlement. Staff turnover remains a challenge, with the statewide turnover rate at 19%. Filling all case-carrying positions remains a challenge. 63 positions out of 819 were vacant. The agency provides competency-based pre-service training for new caseworkers and new supervisors, as well as regular competency-based in-service trainings. Nearly 90% of supervisors completed a newly developed pre-service training, and 97% of all supervisors were compliant with the supervisory ratios established by the settlement.

25. Angela R. Complaint (E.D. Ark., July 1991); Paul Kelly, The Arkansas Child Welfare System: More Than a Decade of Change – Many Things Remain the Same (August 2005); Field Staff Summary (May 2006); Statewide Compliance Outcome Report (April 2006). It should be noted that the Angela R. case ended in 2001 and data indicate that progress has not been sustained in certain areas.

26. AFSCME Council 31, Campaign for Responsible Priorities, Fearing the Worst: DCFS Reforms at Risk (2006); Final Consolidated Report of Rule 706 Panel of Experts (1990); IL Department of Children and Family Services, 40 Years of Stewardship...Where Are We Headed? (2004); Report for Court on Child Protective Services (N.D. Ill., 1990).

27. Brian A. Complaint (M.D. Tenn., May 2000); Monitoring Report of the Technical Assistance Committee (TAC) (January 2006).

Case	When the lawsuit began and shortly thereafter	Today (or when the case ended)
David C. (UT) ²⁷	<ul style="list-style-type: none"> The caseworker turnover rate was above 23%.²⁸ There were no established caseload standards and the average number of cases per month was 1,537 with only 78 workers on staff. To meet CWLA standards of 15 cases per worker, the agency needed 129 workers. Pre-service training consisted of reviewing a handbook, a computer presentation on background information on the agency and child development, and a two-day orientation on agency policies and procedures. Subsequent training consisted of a two-week certification training to be completed within one year. The budget for the agency was approximately \$50 million. 	<ul style="list-style-type: none"> The caseworker turnover rate is 20.7%. Average caseloads are 13 cases per worker, with 19% of caseworkers carrying 16-19 cases; 2% carrying 20-23; and 1% carrying 24 or more cases. All caseworkers are required to receive 120 hours of training on Utah's Practice Model prior to receiving a caseload and participate in 40 hours of on-going training each year through the Child Welfare Institute or other in-service training. The budget for the agency for the 2005 Fiscal Year was \$134,254,800.
G.L. (Jackson County, MO) ²⁹	<ul style="list-style-type: none"> The average caseworker had 30 cases, and some workers' caseloads exceeded 50. Inadequate training and insufficient clerical and paraprofessional support made high caseloads even more difficult for caseworkers to handle. Caseworkers missed up to a third of required face-to-face visits with children in their placements. According to the Judge on the case, "excessive" caseloads were "the single greatest hindrance" to the overall reform effort. For example, the Judge drew a clear link between high caseloads and the agency's failure to meet the consent decree's minimum standard of two caseworker visits to each child per month. 	<ul style="list-style-type: none"> More than 80% of caseworkers working exclusively with foster children carried caseloads of 15 children or less, and 95% of supervisory workers oversaw 6 or fewer front-line caseworkers. The Training Unit ensured that all caseworkers were adequately trained before assuming a caseload. 94% of caseworkers received more than 100 hours of pre-service training, plus 30 hours per year of continuing training. Along with strengthening upper-level staffing by hiring a new Deputy Program Administrator, the department hired six additional full-time clerical workers and six additional full-time paraprofessional workers to provide administrative and logistical support to front-line caseworkers. The department created new, specialized staff positions to ensure a consistent focus on key performance areas, adding a full-time Educational Advocate and a full-time Resource Development Coordinator. A Quality Assurance unit provided ongoing review of individual cases as well as systemic trends.
Jeanine B. (Milwaukee, WI) ³⁰	<ul style="list-style-type: none"> Caseloads averaged more than 100 cases per case manager and often were higher. Caseworkers received little or no training before receiving a full caseload. Workers in Milwaukee received significantly lower salaries than those working in neighboring counties. Because worker turnover was high, children were often assigned to "vacant zones," which had no assigned caseworker. 	<ul style="list-style-type: none"> Caseloads average ten families per case-carrying manager — one of the lowest average caseloads in the country. Hands-on training for new workers has been expanded, and the agency has partnered with the University of Wisconsin-Madison's Master of Social Work program to offer a flexible, part-time degree program for agency employees. Salaries have been increased, and a stepped salary system has been put in place to reward workers for tenure and education. Case manager turnover rate is still 33%, and case managers' average length of employment is only 1.7 years.

28. David C. Complaint (D. Utah, February 1993); The Child Welfare Policy and Practice Group, Annual Compliance Report for 2003-04 (June 2005); Utah Children, Children Adrift – Foster Care in Utah (July 1988); Utah State Department of Social Services, Division of Family Services, Foster Care Committee Task Force Report (April 1985); DCFS Database (as of October 29, 2005); DCFS Quarterly Report No. 12, Appendix B (September 2004); Utah Legislature, Performance Audit of Utah's Child Welfare System (1993); Utah Child and Family Services Annual Report (2005).

29. Turnover data was not available in 1993; the earliest available data on turnover rates is from 1998.

30. G.L. Contempt Motion (February 1985); G.L. Complaint (W.D. Mo., March 1977); G.L. Contempt Order, (Judge Whipple, 1992); Children's Division Quality Assurance Unit, Report of Compliance (Jan. 1, 2005 to June 30, 2005); Monitoring Committee, Report of Compliance (Jan. 1, 2005 to June 30, 2005). G.L. was filed in 1977, and contempt motions were filed in 1985 and 1992. The Court's 1992 Opinion and Order finding Defendants in contempt of court for failure to comply with the terms of the consent decree paid particular attention to workforce issues.

31. Jeanine B. Complaint (E.D. Wis., June 1993); Testimony, Department of Health and Family Services, on the Legislative Audit of the BMCW (March 2006); Bureau of Milwaukee Child Welfare (BMCW), Period 3 Settlement Agreement Semi-Annual Report (March 2006).

Case	When the lawsuit began and shortly thereafter	Today (or when the case ended)
Joseph A. (NM) ³¹	<ul style="list-style-type: none"> • Pre-service training was not provided for many new workers, and the training that was provided failed to address the development of worker skills. • During one four-year period in the 1980s, workers were not offered <i>any</i> annual training. • Records specifying when employees had been hired and when, if ever, they had attended training, were not maintained. • Formal supervisory training was not provided. • A significant number of caseworkers were not licensed, and some supervisors lacked both relevant graduate-level education and three years of social work experience. • Worker caseloads were high and increasing. • Caseloads for supervisors were high, with a significant number of supervisors being assigned seven or more caseworkers to supervise. • Supervisors frequently had to carry children's cases in excess of 60 days in addition to their regular supervisory duties. 	<ul style="list-style-type: none"> • 84% of new workers completed the entire pre-service training program within 120 days of being hired. • 98% of caseworkers received at least 15 hours of annual training • All supervisors received a minimum of 6 hours of training in supervision within three months of assuming their position as well as at least 15 hours of annual training. • Interviews with staff indicated dissatisfaction with the pre-service training curriculum and a common belief among social workers that the training did not adequately prepare them for treatment social work. • Nearly 100% of caseworkers possessed a current, valid license. • Fully 100% of supervisors possessed a current, valid license.
Juan F. (CT) ³²	<ul style="list-style-type: none"> • Caseloads were very high due to a shortage of caseworkers. • Turnover rate among social work staff had been steadily increasing—in one office at least one-third of the caseworkers had less than a year of experience, and only about 30% had more than two years of experience. • Formal training for workers was completely suspended at one point, and training positions often went unfilled because of a lack of funds. • Because of staff shortages, social work supervisors were forced to supervise an excessive number of cases and to provide casework services. • No reliable data system existed for identifying individual children in care or tracking basic information on them. 	<ul style="list-style-type: none"> • The agency has sustained 100% compliance with caseload standards, established through the lawsuit, for child protective services (CPS), ongoing, foster care and adoption caseworkers. • 90% of families whose cases were reviewed had had only one or two primary caseworkers during a 12-month period, and in 98% of cases that had to be reassigned, a new primary caseworker was assigned within five days. • The agency's Training Academy is fully funded and staffed with mandated pre-service and in-service training for all workers. • 55% of cases reviewed were being handled by caseworkers who were still receiving "poor" or "negligible" supervision. • A high functioning MIS "LINK" system is utilized to track individualized information on all children in the system and to provide regular aggregate reporting. However, some historic data problems remain for children who have been in care for long periods.

32. Joseph and Josephine A. Compliance Report for Training (June 21, 1999); Joseph and Josephine A. Compliance Report (December 7, 1999); Plaintiffs' Post-Trial Memorandum (December 22, 1988).

33. Juan F. Complaint (D. Ct., December 1989); Juan F. Exit Plan Outcome Measures 2005 Annual Progress Report (November 2005); Juan F. Exit Plan Quarterly Report (March 2006).

Case	When the lawsuit began and shortly thereafter	Today (or when the case ended)
L.J. (Baltimore, MD) ³³	<ul style="list-style-type: none"> Workers and supervisors lacked the basic training necessary to fulfill their responsibilities. Substantial increases in staff were deemed necessary to reduce the high numbers of cases handled by foster care workers. Cases went uncovered for lengthy periods of time due to high worker turnover and unfilled staff vacancies. Caseworkers did not have access to supports to address special needs of children in care. The data system had major gaps and did not support casework. 	<ul style="list-style-type: none"> All new workers are required to pass a competency training and examination. An L.J. Rally/in-service training was held in September 2005 during which approximately 750 child welfare staff were retrained in 26 areas of knowledge and skill. Caseload ratios required by the consent decree have been achieved in all but one category of staff, but they remain higher than the Child Welfare League of America standards. MD CHESSIE (Children's Electronic Social Services Information Exchange) will be on-line in November 2006, providing caseworkers with comprehensive data on children in the system.
LaShawn A. (DC) ³⁴	<ul style="list-style-type: none"> 50% of authorized social work positions were vacant. The majority of social work staff was unlicensed. Caseloads were very high with investigators receiving 30 new investigations per month, and ongoing services workers with caseloads of 49 (intensive services branch) and 59 (continuing services branch). No formal pre-service or in-service training for social work staff existed. Basic working conditions were a serious problem. Concerns included a lack of telephones, vehicles, parking and staff security. 	<ul style="list-style-type: none"> The agency's vacancy rate is 4.72%. All social work staff are required to be licensed. Workers hired without a license are not kept past the probationary period if they do not become licensed in a short period of time. Eighty percent of investigators, 72% of case-carrying workers (in-home and foster care cases), and 84% of adoption workers have appropriate caseloads. A formal training institute is in place with requirements for pre-service and in-service training. However, not all staff receives the training, despite the fact that it is mandatory. Working conditions have improved. Workers have access to telephones, copiers, cars and computers with an automated data system for case management.
R.C. (AL) ³⁵	<ul style="list-style-type: none"> Social work staff turnover and vacancy rates were very high. Very few workers were BSW- or MSW-level social workers. Caseloads averaged from 40-50 cases per worker, and no caseload standards existed. There was no formal comprehensive training program for social work staff. 	<ul style="list-style-type: none"> Staff turnover rate is 17.5%; the vacancy rate is 2%. 40% of frontline staff are license-eligible social workers. As a result of the lawsuit, caseload standards of one worker for every 18 open family services cases, 18 children in foster care, or 22 children available for adoption were established. 60% of workers have caseloads meeting these standards. Though a formal training program called ACT is in place with requirements for pre-service and in-service training, nearly half of caseworkers in larger counties, such as Montgomery County, are not receiving the basic ACT training.

34. L.J. v. Massinga, 699 F. Supp. 508 (D. Md. 1988) Addendum B; L.J. Complaint (D. Md., December 1984); Department of Human Resources, L.J. v. Massinga Consent Decree Report: July 1, 2005 Through December 31, 2005 (February 2006).

35. Testimony, Center for the Study of Social Policy (CSSP) (September 1990); CSSP Progress Report (October 1991); CSSP, An Assessment of the District of Columbia's Progress (June 2005).

36. AL Department of Human Resources (DHS), Annual Progress and Services Report (FY 2005); AL (DHS), Child Welfare Strategic Plan (May 2004); Final Report on Implementation of the R.C. v. Walley Consent Decree (November 2004); Monitor's Performance and Outcome Review (January 1994); Monitor's Report to the Court in Response to Court's Order Directing the Monitor to Conduct On-Site Reviews (April 2006); Plaintiffs' Response to Request for Ruling on Second Motion for Order Terminating Consent Decree (M.D. Ala., May 2006).

Case	When the lawsuit began and shortly thereafter	Today (or when the case ended)
Ward (Broward County, FL) ³⁶	<ul style="list-style-type: none"> • Caseloads were high, with some caseworkers carrying caseloads that were eight times the national standards. • Annual turnover rate among caseworkers/supervisors was 80%. • Many children had no caseworker or went without visits from their caseworkers for months at a time. • Statewide funding for FY 1998-99 was \$9,823 per child. 	<ul style="list-style-type: none"> • Though caseloads have decreased to an estimated 21 cases per worker, statutory guidelines require caseloads to be lower (14-17 cases per worker). • Yearly turnover rate is 12%, with a vacancy rate of 0%. • Statewide funding for FY 2004-05 was \$17,966 per child.

37. Ward Complaint (S.D. Fla., October 1998); Office of Program Policy Analysis & Government Accountability, Child Welfare System Performance Mixed in First Year of Community Based Care (June 2006).